

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 7, 2010, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Ms. Ann H. Mallek, Mr. Dennis S. Rooker, Mr. Duane E. Snow, and Mr. Rodney S. Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 9:03 a.m., by the Chair, Ms. Mallek.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Recognitions.

Item No. 4a. Proclamation recognizing April 2010 as Fair Housing Month.

Ms. Mallek read the following proclamation and presented to Mr. Ron White, Director of Housing:

FAIR HOUSING MONTH

WHEREAS, April 2010, marks the forty-second anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and

WHEREAS, the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and

WHEREAS, vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and

WHEREAS, illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;

NOW, THEREFORE, BE IT RESOLVED,

that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the Board of County Supervisors of Albemarle County, Virginia, does hereby join in the national celebration by proclaiming

APRIL, 2010 as FAIR HOUSING MONTH

and encourages all agencies, institutions and individuals, public and private, in Albemarle County to abide by the letter and the spirit of the Fair Housing law.

Agenda Item No. 5. From the Board: Matters Not Listed on the Agenda.

Ms. Mallek asked Board members if they had reviewed the suggested letter from VML about edits to the County's letter related to State budget cuts.

Mr. Davis said that the Governor has until April 21st to make any changes in the budget document.

Ms. Mallek said the Board can take this issue back up at the end of the meeting.

Ms. Mallek said that last week she joined Susan Stimart, Mike Harvey, the Lieutenant Governor and Economic Development and Housing staff at the Hyosung Plant in Scottsville to talk about measures to help the 106 people displaced by that factory's closing. She stated that the Company is taking another month to decide what their plans would be. She was very impressed with Mr. Harvey's presentation on the TJPED's plans and the Small Business Development Center.

Ms. Mallek said she serves on the One-Stop Committee, the multi-agency job assistance and career services center located on Hydraulic Road. As an update, they are currently focusing on helping adults work on resumes, apply for jobs, etc.

Mr. Dorrier asked if Lt. Governor Bolling had stated that the Scottsville plant was the "number one priority" in the State for economic development. Ms. Mallek replied that he did not say that in her presence, but he did say that the competition for filling that "as is" is very steep throughout the State. The competition for new businesses is hard right now. She added that the reality may be getting lots of smaller

employers into that building, rather than one large one. It is also going to be a long process to get someone in that facility.

Mr. Rooker announced that the Albemarle High School Drama Team won the VHSL AAA State Theatre Championship, which was held at PVCC in March.

Mr. Rooker said he provided notice to Board members that \$550,000 allocated for the 29/H250 project, for the widening of Route 29 from the Hydraulic to the Route 250 Bypass and the additional ramp at Bestbuy, has been submitted for the design and engineering work for that project. With the other money in the pipeline, it looks as though the project may get funded and completed within the next few years.

Ms. Mallek mentioned that one of her neighbors, high school senior Anthony Kostelac, won the 800-meter Indoor Nationals in Boston recently.

Agenda Item No. 6. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Karen Reifenberger said that she works for Piedmont Housing Alliance and is a Crozet resident. She thanked the Board for supporting the Fair Housing Month resolution, recognizing the 42nd anniversary of the Federal Fair Housing Act. Ms. Reifenberger also thanked the Board for their continued support of fair housing education and outreach. She explained that fair housing provisions stipulate that families with children should not be denied housing, minorities should be assessed based on credit status and not race, people with accents should not be held to a higher standard, and people with disabilities should not be denied access to units just because of a few steps. Ms. Reifenberger stated that the Federal Fair Housing Act and Virginia Fair Housing law prohibit discrimination in rental, home ownership, and financing based on someone's race, color, religion, national origin, gender, family status, disability, or elderliness. She said that PHA works to raise awareness and promote compliance with these laws. This month they are hosting an event on April 21st from 2:00 p.m. to 5:00 p.m. in Lane Auditorium – "Housing Opportunities for People with Disabilities: Resources, Roadblocks, and Rights." Ms. Reifenberger said that they would have a panel discussing housing accessibility modifications, and would also be addressing housing rights and existing/emerging resources. She added that Bill Fuller of the Virginia Housing Development Authority would be attending the event. They welcome everyone's input on how they can spread the word about fair housing and be more effective in the County.

Ms. Sharon Ackerman said April is also Pet Awareness Month. The "Least Among Us" project – aims to educate the public about the limitations of current animal care ordinances, and move toward a place where those can be changed. She said that she hopes that the County Code can be strengthened to protect dogs, generate revenue, and contain costs. Ms. Ackerman presented packets to the Board, along with her contact information – noting that the group's main concerns are tethering and over-population.

Agenda Item No. 7. Consent Agenda. **Motion** was offered by Ms. Mallek, **seconded** by Mr. Rooker, to approve Items 7.1 (as read) through 7.3 on the consent agenda, and to accept the remaining items for information. (Discussions on individual items are included with that agenda item.) Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Rooker, Mr. Snow, Mr. Thomas, Mr. Boyd, Mr. Dorrier and Ms. Mallek.
NAYS: None.

Item No. 7.1. Approval of Minutes: December 2, 2009; and February 3, February 25, and March 10, 2010.

Mr. Boyd said he needed to pull his minutes of February 3, 2010, pages 39 (beginning with Item #10) – end.

Ms. Mallek had read the minutes of December 2, 2009, pages 1-34 (Item #11), and found them to be in order.

Mr. Snow had read the minutes of February 3, 2010, pages 1-39 (end at Item #10), and found them to be in order.

Mr. Thomas had read the minutes of February 25, 2010, and found them to be in order.

Mr. Rooker had read the minutes of March 10, 2010, and found them to be in order.

By the above-recorded vote, the minutes were approved as read. The remaining minutes were carried forward to the next meeting.

Item No. 7.2. Acquisition of Conservation Easements (ACE) Ranking Order for FY 2009-10 Applicant Class.

The executive summary states that pursuant to sections A.1-110(G) and A.1-110(H) of the ACE Ordinance, the Board of Supervisors reviews the list of ranked parcels submitted by the ACE Committee and identifies on which parcels it desires to acquire conservation easements. Each conservation easement identified by the Board for purchase is appraised by an independent appraiser chosen by the County.

Eight (8) applications were submitted for the Round 10 class (FY 2009-2010) by the October 31, 2009 deadline. Four (4) of the applications (Thurman, Rives, Barksdale and Rushia) were re-enrolled from the previous year because the County has been unable to acquire easements on those properties due to funding limitations. Staff has evaluated the properties of each of the Round 10 applicants according to the ACE Ordinance ranking evaluation criteria. These objective criteria include: open space resources; threat of conversion to developed use; natural, scenic and cultural resources; and County fund leveraging from outside sources. Based on the results of the evaluation, staff has determined the eligibility of the properties and has placed them in ranking order (see Attachment A). These results were presented to the ACE Committee at its March 15, 2010 meeting.

The evaluation of the eight (8) applications from Round 10 has determined that seven (7) properties scored high enough to be eligible for ACE funding. With \$1,152,749.88 of funding available for this class [\$1,008,917.69 from the FY09-10 allocation and carryover funds from FY08-09 and \$143,832.19 in grants from the Office of Farmland Preservation (\$49,900 in 2009 and \$93,932.19 in 2010)] (See Attachment B), the ACE Committee believes that the County can acquire ACE easements on the two or three highest ranked properties. Based on the final ranking order and eligibility status of the Round 10 properties, the ACE Committee recommends that the Board authorize staff to order appraisals for the three (3) highest ranked properties: Lively, Stanerson, and Barksdale. Although the total ACE budget for FY 2009-10 may be insufficient for purchasing easements on all three properties, the ACE Committee believes it is prudent to obtain appraisals on more properties than funding will allow in the event that additional funding becomes available or some higher ranking applicants withdraw their application from the Program.

The acquisition of easements on the three highest ranked properties would eliminate 36 development rights and result in the protection of the following resources:

- 546 acres of farm and forest land, of which 256 acres are "prime" farm and forest land
- 3,386 feet of state road frontage (including 1,740 feet on a major Entrance Corridor)
- 8,129 feet of protected stream and river frontage (including 4,100 feet on the Rivanna River – a state scenic river)
- 7,236 feet of common boundary with other protected lands (including 1,076 feet adjoining Walnut Creek Park)
- 140 acres of land lies within the proposed "mountain overlay district"
- 2 of 3 properties have significant tourism value
- 3 of 3 properties are productive, working farms
- Lively lies within the primary Monticello viewshed

There is no additional request for funding related to this action. The funding for the appraisals and the purchase of these potential conservation easements would come from both the CIP-Planning-Conservation budget (line-item #9010-81010-580409) and the CIP-Tourism-Conservation budget (line-item #9010-72030-580416), a budget previously approved by the Board to fund ACE properties with "tourism value." Staff will continue to pursue outside funding sources to supplement the ACE Program funding. Sources of potential outside funding include the Office of Farmland Preservation, the Preservation Trust Fund, the Virginia Land Conservation Foundation, and the Farm and Ranchlands Protection Program.

The ACE Committee and staff recommend that the Board:

- 1) Approve the final ranking order for Round 10 (FY 2009-10) as shown on Attachment A-(copy on file);
- 2) Identify the Lively, Stanerson and Barksdale properties as those on which it desires to purchase conservation easements; and
- 3) Authorize staff to order appraisals for the Lively, Stanerson and Barksdale properties.

By the above-recorded vote, the Board approved the final ranking order for Round 10 (FY 2009-10) as shown on Attachment A-(on file in the Clerk's office); identified the Lively, Stanerson and Barksdale properties as those on which it desires to purchase conservation easements; and authorized staff to order appraisals for the Lively, Stanerson and Barksdale properties.

Item No. 7.3. FY 2010 Budget Amendment and Appropriations.

The executive summary states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a

notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total of the new requested FY 2010 appropriations, itemized below, is \$210,827.88. A budget amendment public hearing is not required because the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of five (5) FY 2010 appropriations as follows:

- One (1) appropriation (#2010069) totaling \$133,362.00 for various Commission on Children and Families grants;
- One (1) appropriation (#2010070) totaling \$15,161.88 for various school programs;
- One (1) appropriation (#2010071) totaling \$43,105.00 for a Virginia Health Care Foundation grant for the Department of Social Services; and
- One (1) appropriation (#2010072) totaling \$19,199.00 for the Internet Crimes Against Children grant.
- One (1) appropriation (#2010075) *transferring* \$100,559.76 to the Byrom Park Project

A description of this request is provided in Attachment A.

Staff recommends approval of the budget amendment in the amount of \$210,827.88 and the approval of Appropriations, #2010069, #2010070, #2010071, #2010072, and #2010075.

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Attachment A

Appropriation #2010069 **\$133,362.00**

Revenue Source:	Federal Revenue	\$ 16,526.00
	State Revenue	\$ 918.00
	Local Revenue	\$ 918.00

Grant # 10-L3236JB08: The Department of Criminal Justice Services has awarded the Commission on Children and Families a grant in the amount of \$16,526 with a local match of \$1,836 for a total appropriation in the amount of \$18,362. This grant will provide training and the implementation of promoting greater accountability in the juvenile justice system including the increased accountability for juvenile offenders. Local match monies will be provided by both the County and the City through their contributions to CCF.

Revenue Source:	Federal Revenue	\$ 50,000.00
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Grant # 10-D5194JJ08: The Department of Criminal Justice Services has awarded the Commission on Children and Families a grant in the amount of \$50,000. This grant will provide training and the continued services of the Family Functional Therapy program. This will include staff training, manuals, and treatment services for the participants. There is no local match.

Revenue Source:	Federal Revenue	\$ 65,000.00
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Grant #10-C5424JJ08 : The Department of Criminal Justice Services has awarded the Commission on Children and Families a grant in the amount of \$65,000 with an "in-kind" match of \$32,500. This grant will provide training and continued services to reduce system involvement of truants and juveniles with other negative school related behaviors. The "in-kind" match will include staff time, staff training, and training materials.

Appropriation #2010070 **\$15,161.88**

Revenue Source:	Donations	\$ 15,161.88
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February 25, 2010 School Board Meeting Appropriations:

Albemarle High School received donations totaling \$6,165.00 from various cash donations made at Albemarle High School. These donations were made to help fund the installation of a synthetic turf field at Albemarle High School. The current balance for the FY 09/10 AHS Synthetic Turf Project is \$29,871.00 including this donation. The balance from FY 08/09 is \$6,866.66 for a grand total of \$36,737.66. The high schools need to raise \$325,000.00 in order to receive matching funds from an anonymous donor, requiring Albemarle High School to raise an additional \$288,262.34 to secure matching funds. The balance required to secure construction is \$650,000.00.

Henley Middle School received a donation in the amount of \$2,346.88 from Henley's Parent and Teacher Support Organization. This contribution was made to help fund the Enrichment Time before 9 program at Henley Middle School.

Western Albemarle High School received a donation from Chris and Donna Schuler in the amount of \$6,000.00. This contribution was made to help Western Albemarle High School purchase Lacrosse uniforms.

Western Albemarle High School received donations totaling \$650.00. John and Karen Rowlingson donated \$500.00 and Elisabeth and Frans de Jong donated \$150.00. These donations were made to help fund the installation of a synthetic turf field at Western Albemarle High School. The current balance for the FY 09/10 WAHS Synthetic Turf Project is \$1,000.00 including this donation. The balance from FY 07/08 was \$8,450.00. The balance from FY 08/09 was \$10,711.66 for a grand total of \$20,161.66. The high schools need to raise \$325,000.00 in order to receive matching funds from an anonymous donor, requiring Western Albemarle High School to raise an additional \$304,838.34 to secure matching funds. The balance required to secure construction is \$650,000.00.

Appropriation #2010071 \$43,105.00

Revenue Source: State Revenue \$ 43,105.00

The Department of Social Services in partnership with United Way – Thomas Jefferson Area has been awarded grant funds from the Virginia Health Care Foundation (VHCF) for the implementation of Project Connect, VHCF's children's health insurance enrollment initiative. This is a 20-month grant beginning February 1, 2010 through September 30, 2011. This funding will provide an Eligibility Worker position at UVA Medicaid. This grant is 100% reimbursable.

Appropriation #2010072 \$19,199.00

Revenue Source: Federal Revenue \$ 19,199.00

The Department of Justice awarded Bedford County a grant to assist in the investigations of Internet Crimes Against Children. Bedford has designated Albemarle County as being an area district in the fight against internet crime and has awarded Albemarle County \$80,000.00. \$60,801 has already been appropriated in FY 09/10. An additional appropriation of \$19,199.00 is needed to fulfill the award. There is no local match.

Appropriation #2010075 \$100,559.76

Revenue Source: Transfer General Govt CIP Fund \$100,559.76

This appropriation will transfer a total of \$100,559.76 from the River Access Improvement Project and the Park Enhancement Project to the Byrom Park Project. Funds will be used to establish a 10% Project contingency and to pay project management and other necessary construction costs. There will be no impact on the total County budget as a result of this appropriation.

(Mr. Boyd asked about the total cost for the Byrom Park project. He noted that \$100,599.76 is being moved in the CIP for the project.

Mr. Pat Mullaney, Director of Parks and Recreation, said the County recently received ten bids on the project. The low bid was \$540,820. He said that the County has about \$512,000 on hand, not including an alternative bid item for the upper parking lot, which was dropped. Mr. Mullaney said that the additional funding is to establish a project contingency and fund some work needed such as fencing, gates, signage, and a plaque. He noted that the transferred funds are the River Access Funds that were held for the Byrom Park contingency. The item that ran them over the budget estimates were during site plan review they had to go from gravel to paving. They have an unconditional rock clause in the contract and there were also additional stormwater and erosion control measures.

Mr. Boyd asked what the ten percent project contingency was. Mr. Mullaney said the project is \$540,820 and \$54,000 is the ten percent. The items he previously mentioned, plus trail connection, are being done in-house and if they do not need all these funds, they won't be spent.

Ms. Mallek added that the project originated from a 660-acre donation to the County, and came with the contingency that this type of work would be done. Mr. Mullaney said that was correct.

Mr. Rooker added that this item was approved long ago in the CIP, and is just now being appropriated.)

By the above-recorded vote, the Board approved the budget amendment in the amount of \$210,827.88 and approved Appropriations, #2010069, #2010070, #2010071, #2010072, and #2010075.

COUNTY OF ALBEMARLE								APP #	2010069
APPROPRIATION								DATE	4/7/2010
								BATCH#	
EXPLANATION:		Various CCF Grants							
					SUB LEDGER		GENERAL LEDGER		
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT	
2	1578	33000	330001	Revenue - Federal	J 2	16,526.00			
2	1578	24000	240500	Grant Revenue - State	J 2	918.00			
2	1578	51000	512000	Transfer - Other Funds	J 2	918.00			
1	1578	53161	312210	Contract Services	J 1	18,362.00			

	1578		0501	Est. Revenue				18,362.00	
			0701	Appropriation					18,362.00
2	1580	33000	330001	Revenue - Federal	J	2	50,000.00		
1	1580	53157	312105	Consulting	J	1	50,000.00		
	1580		0501	EST. REVENUE				50,000.00	
			0701	APPROPRATION					50,000.00
2	1581	33000	330032	Revenue - DCJS (Federal)	J	2	65,000.00		
1	1581	53154	110000	Salaries - Regular	J	1	39,341.10		
1	1581	53154	210000	FICA	J	1	3,258.90		
1	1581	53154	231000	Health Insurance	J	1	6,701.00		
1	1581	53154	241000	VRS Group Life Insurance	J	1	452.00		
1	1581	53154	312700	Prof. Services - Consultants	J	1	6,000.00		
1	1581	53154	550100	Travel/Training	J	1	2,000.00		
1	1581	53154	580000	Miscellaneous Expenses	J	1	5,247.00		
1	1581	53154	800330	Computer Equipment	J	1	2,000.00		
	1581		0501	EST. REVENUE				65,000.00	
			0701	APPROPRATION					65,000.00
TOTAL							266,724.00	133,362.00	133,362.00

COUNTY OF ALBEMARLE								APP #	2010070
APPROPRIATION								DATE	3/3/2010
								BATCH#	

EXPLANATION: Education Programs - Board Meeting on February 25, 2010

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	9002	18100	181107	WAHS Donations - Turf Project	J	2	650.00		
1	9002	60302	950245	WAHS Syn Turf Field	J	1	650.00		
	9002		0501	Est. Revenue				650.00	
			0701	Appropriation					650.00
2	9001	18100	181107	AHS Donations - Turf Project	J	2	6,165.00		
1	9001	60301	950245	AHS Syn Turf Field	J	1	6,165.00		
	9001		0501	Est. Revenue				6,165.00	
			0701	Appropriation					6,165.00
2	2000	18100	181109	Donations	J	2	8,346.88		
1	2252	61101	160300	Stipends - Instructional	J	1	2,180.10		
1	2252	61101	210000	FICA	J	1	166.78		
1	2302	61105	601100	Uniforms	J	1	6,000.00		
	2000		0501	Est. Revenue				8,346.88	
			0701	Appropriation					8,346.88
TOTAL							30,323.76	15,161.88	15,161.88

COUNTY OF ALBEMARLE
APPROPRIATION

APP # 2010071
DATE 4/7/2010
BATCH# _____

EXPLANATION: Virginia Health Care Foundation Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1565	53153	110000	Salaries - Regular	J	1	\$29,310.00		
1	1565	53153	210000	FICA	J	1	\$2,242.00		
1	1565	53153	221000	Virginia Retirement System	J	1	\$3,969.00		
1	1565	53153	231000	Health Insurance	J	1	\$4,697.00		
1	1565	53153	232000	Dental Insurance	J	1	\$169.00		
1	1565	53153	240000	VRS Group Life Insurance	J	1	\$293.00		
1	1565	53153	270000	Worker's Compensation	J	1	\$190.00		
1	1565	53153	520300	Telecommunications	J	1	\$640.00		
1	1565	53153	550100	Travel/Training/Education	J	1	\$1,545.00		
1	1565	53153	800700	ADP Equipment	J	1	\$50.00		
2	1565	24000	240616	VHCF - Project Connect	J	2	43,105.00		
	1565		0501	Est. Revenue				43,105.00	

			0701	Appropriation					43,105.00	
TOTAL								86,210.00	43,105.00	43,105.00

COUNTY OF ALBEMARLE								APP #	2010072
APPROPRIATION								DATE	4/7/2010
								BATCH#	
EXPLANATION:		Correction to former ICAC Grant							

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	1528	33000	330033	DOJ Pass-thru: Bedford County	J 2	19,199.00		
1	1528	31013	120000	Overtime	J 1	(3,509.30)		
1	1528	31013	210000	FICA	J 1	(290.70)		
1	1528	31013	550403	Training	J 1	(5,801.00)		
1	1528	31013	800100	Machinery & Equipment	J 1	(11,200.00)		
1	1528	39000 0	560010	Contribution - Other Localities	J 1	40,000.00		
	1578		0501	Est. Revenue			19,199.00	
			0701	Appropriation				19,199.00
TOTAL						38,398.00	19,199.00	19,199.00

COUNTY OF ALBEMARLE								APP #	2010075
APPROPRIATION								DATE	4/7/2010
								BATCH#	

EXPLANATION: Byrom Park Project

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
1	9010	72030	950107	River Access Improvement	J 1	(45,343.76)		
1	9010	72030	800632	Park Enhancements	J 1	(55,216.00)		
2	9010	72030	950117	Byrom Forest Preserve	J 2	100,559.76		
TOTAL						0.00	0.00	0.00

Item No. 7.4. Copy of letter dated March 5, 2010 from Ronald L. Higgins, Chief of Zoning, to Julius L. Lively, Jr., **re: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 93, Parcels 53, 53C, 53D, 54 & 54C1 (property of Julius L. Lively) Scottsville Magisterial District, was received for information.**

Item No. 7.5. Copy of letter dated March 5, 2010 from Francis H. MacCall, Senior Planner, to Ethel Pugh & Bettie Ann Stanerson, **re: LOD-2009-00025 – OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 56, Parcel 25C (Property of Ethel R Pugh & Bettie Ann Stanerson) White Hall Magisterial District, was received for information.**

Item No. 7.6. Copy of letter dated March 5, 2010 from Francis H. MacCall, Senior Planner, to Martin Violette and Margaret Nash, **re: LOD-2009-00026 – OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS – Tax Map 71, Parcel 43 (Property of Martin H. Violette or Margaret Nash) White Hall Magisterial District, was received for information.**

Item No. 7.7. Copy of Comparative Report of Local Government Revenues and Expenditures for the Fiscal Year Ended June 30, 2009, in accordance with Section 15.2-2510 of the Code of Virginia, as prepared by the Commonwealth of Virginia Auditor of Public Accounts, **was received for information.**

Agenda Item No. 8. **PUBLIC HEARING: PROJECT: ZMA 2009-00003 North Hill. PROPOSAL:** Rezone .69 acres from HC Highway Commercial zoning district which allows commercial and service uses; and residential use by special use permit (15 units/ acre) to RA Rural Areas which allows agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); HC zone approved by a conditional rezoning ZMA 87-16. PROFFERS: Yes_ No X. EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots). ENTRANCE CORRIDOR: Yes X No __. LOCATION: 2042 North Hill/east side of Richmond Rd (Rt 250) at Inn Dr./approximately 230 ft. south of I 64 eastbound onramp. TAX MAP/PARCEL: 07800000003400. MAGISTERIAL DISTRICT: Scottsville. (Advertised in the Daily Progress on March 22 and March 29, 2010.

Mr. Cilimberg said that this project is proposed for less than an acre located near the interchange of I-64 and Route 250 East at Shadwell. The zoning is Commercial, and it was zoned in conjunction with another parcel in the late 1980s – with stipulations as to how development would occur on the two parcels. He noted that the adjacent parcel, which is under the same ownership, as well as parcels to the southeast, are zoned Rural Area. Mr. Cilimberg explained that expansion was associated with what is now the Comfort Inn Hotel, and the proffers for this particular parcel restricted uses to parking, landscaping, buffering, and other landscape improvements – the expansion has never been pursued. He said that this was associated with what was intended to be a convention facility and parking structure, adjacent to the road that enters the hotel. Mr. Cilimberg stated that this request is to downzone the parcel and remove the proffers associated with the 1987 zoning map amendment, and as RA district one single-family residential dwelling could be constructed on the parcel. He noted that if the applicant were to combine this parcel with an adjacent parcel he owns, an additional residence would not be permitted as there is one already there, and the two combined are less than the minimum lot size in the RA district.

Mr. Cilimberg said that the applicant's justification is that this would reduce the real estate tax obligation for their property – which is now encumbered by proffers approved for that development not taking place. He said it would allow for the single-family residence to be constructed, and the owners plan to sell the property. Mr. Cilimberg stated that the Comprehensive Plan designates this parcel as Rural Area, and it also falls under the interstate interchange development section of the Comp Plan – which states that urban uses at this interchange should be developed on the urban area side only. He added that the Pantops Master Plan did not incorporate this area into the development areas.

Mr. Cilimberg noted that staff found a favorable factor to be that rezoning to Rural Area is consistent with the Comp Plan, with the proposed residence being more in keeping with that designation than the development that could occur under the current zoning. The staff did not find any unfavorable factors. Mr. Cilimberg said that staff and the Planning Commission (by a 6-1 vote) recommended approval of the rezoning, and there are no proffers that are deemed necessary. Mr. Cilimberg clarified that the one vote against was based on concern that it was reversing the possibility of commercial development in that area, which that Commissioner felt would be important and necessary in the review of commercial and industrial development opportunities. Mr. Cilimberg said that TMP 78-34 is a very small parcel, and if it were relieved of its proffers it would still have setback limitations that would likely hinder its development as an independent commercial site. Mr. Cilimberg added that the applicant could possibly get variances through the Board of Zoning Appeals for commercial activity.

Mr. Boyd asked about the potential impact of improvements such as dual laning at that I-64 interchange access. Mr. Cilimberg replied that staff is not aware of exactly what would be done there, and currently only knows about additional width on one of the ramps to create a dual turning lane. In the longer term, he added, other improvements at the interchange could have an impact – but no such plans have been developed at this point.

Mr. Boyd mentioned a request for rezoning on an adjacent property, and asked Mr. Cilimberg to point it out on the map.

Mr. Cilimberg indicated the parcel's location, and said that he included a summary of what happened with that particular rezoning – which the Board denied for a number of reasons. He added that the Board has indicated some interest in revisiting the interchange areas at Shadwell and other locations, which is part of the economic development industrial development initiatives to be reviewed by the staff. Mr. Cilimberg noted that the Planning Commission, at its meeting last night, considered change of HI district allowances to bring them into the LI district via special use permit. He said that staff has other initiatives to bring to the Board addressing those interchange areas – and Shadwell would be part of the upcoming Comp Plan review and update scheduled to begin this year.

Mr. Boyd commented that it is a very unusual area – with some commercial, Rural Area, and conservation easements. Mr. Cilimberg agreed that it is a very mixed area in terms of its land use and status.

Mr. Rooker added that the other issue is traffic. When the Pantops and Rivanna Master Plans were going through there was great concern that the improvements planned for that area are not anywhere near being funded. He said that this particular rezoning – which seems to him to be a matter of fairness – would not impact the traffic problems there.

Mr. Thomas asked who offered the proffers originally. Mr. Cilimberg responded that this owner and the adjacent owner jointly requested the rezoning in the 1980s, and offered the proffers together at that time – as an effort to improve that front and provide for facilities and parking to compliment the hotel.

Mr. Boyd commented that the current frontage seems to be a deterrent to the hotel.

Mr. Cilimberg mentioned that the original plan was for a convention facility with a parking structure, landscaping, and fountain and pond, etc. He said that the owners of the hotel are not the same owners, so they are counting on another owner to utilize what they can under the zoning.

Mr. Thomas asked what the tax rate difference is between RA and Commercial. Mr. Davis explained that the rate is the same, but the assessed value is what impacts the tax bill.

Ms. Mallek commented that it is a significant difference.

At this time, the public hearing was opened.

The applicant, Ms. Dolores Wallace said that the tax difference is considerable. The taxes are too much and they cannot do anything with the property. She said that it was her mother's plan to use the property for commercial, but that didn't pan out and now she just wants to be able to pay taxes on the property. She asked for the Board's support in their request.

Mr. George Reaves said that he and his sister – Ms. Wallace – own the property and would like to get some relief from the tax burden currently on this parcel. They hope to one day be able to sell the property.

Mr. John Chavan, a County resident, said that he understands the financial burden on this property as he is in the same boat. Mr. Chavan stated that he tried to buy this property, but the asking price was prohibitive. He said that the owners are the same family, just a different brother – who have also tried to buy this property to use it for their hotel property, but again were deterred by the price. Mr. Chavan stated that he would like to keep the property commercial to help the tax base, so that the County can support itself. He thinks the whole interstate area needs to be rezoned to commercial.

There being no further public comment, the public hearing was closed and the matter placed before the Board.

Mr. Dorrier **moved** to approve ZMA-2009-00003, North Hill, to rezone .69 acres from Highway Commercial to Rural Area zoning. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Rooker, Mr. Snow, Mr. Thomas, Mr. Boyd, Mr. Dorrier and Ms. Mallek.

NAYS: None.

Mr. Rooker commented that Mr. Chavan made some good points, but as a standalone property this parcel cannot be developed commercially, and the applicants already own the adjacent parcel. It does not seem appropriate to require them to continue paying commercial based taxes indefinitely when they are using it for residential.

Mr. Snow added that this doesn't preclude the applicants from coming back later with a plan for commercial use of the site.

Mr. Boyd said that he was struggling with changing a parcel zoned Commercial, but this is a unique situation.

Agenda Item No. 9. **PUBLIC HEARING:** Five-Year Plan and Annual Plan for the administration of the **Housing Choice Voucher Program**. (*Advertised in the Daily Progress on March 22 and March 29, 2010.*)

Mr. Ron White, Director of Housing, summarized the following executive summary that was forwarded to the Board:

"The Albemarle County Office of Housing ("Office") is the designated local agency for the administration of the Housing Choice Voucher Program ("Program"), formerly known as the Section 8 Rental Assistance Program. The Office is considered a part of the executive branch of local government and not a public housing authority. Although not a housing authority, the Office must comply with U.S. Department of Housing and Urban Development ("HUD") requirements for Public Housing Agency ("PHA") activities, including the development and implementation of Annual and 5-Year PHA Plans. In accordance with HUD guidelines as revised in 2008, the Office is required to prepare a 5-Year Plan and FY2010 Annual Plan, make it available for a 45-day public review period, and hold a public hearing. The Plan must be submitted to HUD, however, because the PHA has fewer than 550 vouchers and is not a troubled agency, the County's program does not require HUD approval.

Pursuant to HUD guidelines, the County is authorized to administer a total of 429 vouchers through its Program. The Program is currently operating at approximately 98% of its authorized budget, providing assistance to 373 families. Eighty-five of the authorized vouchers have been designated as project-based vouchers that are designated to specific units rather than individuals as follows:

- Park's Edge Apartments – 24
- Park View Apartments on South Pantops – 22
- Treesdale Park – 22
- Crozet Meadow – 8
- The Crossings at Fourth and Preston - 9

HUD regulations allow a PHA to designate a maximum of twenty percent (20%) of authorized vouchers as project-based; provided that in no case can the amount of funding used for project-based vouchers exceed twenty percent (20%) of the annual budget from HUD. With the commitments for Treesdale Park, Crozet Meadows and The Crossings, the Office has designated 20% of its vouchers as project-based vouchers.

As required by HUD, the proposed 5-Year Plan and FY10 Annual Plan (Attachment A) has been made available to a Resident Advisory Board (RAB) consisting of families participating in the Program for review and comment. No comments have been received to date. The Plan's availability was advertised

on March 15, 2010 with the 45-day public review period commencing on March 16, 2010 and ending April 30, 2010.

Staff is not proposing any changes in the Annual Housing Choice Voucher Plan for FY 10 from the previously submitted Annual Plan for FY 09. Any comments received from the public during the comment period will be noted in the final plan, which will be submitted to HUD at the close of the 45-day public review period.

There are no additional budget impacts beyond current FY09 and proposed FY10 appropriations for staffing and operations of the Office of Housing. Administrative fees from HUD cover most of the operations for this Program.

After the Board receives public comment, staff recommends approval of the attached PHA 5-Year and Annual Plan (Attachment A). In addition, staff requests that the Board authorize the County Executive to execute the required PHA Certifications of Compliance and Civil Rights Certification (Attachments B and C).”

Mr. White added that the average rental assistance has increased significantly from last year – now at about \$587. Of the 429 allocated vouchers in the County, a number that hasn’t changed in 10 years, there is only enough funding for 375 of those. He stated that one of the Housing Office’s goals has been to maintain a 98% usage of funding, and last year they exceeded 100% because of significant cuts HUD made in calculating their rents for the second half of the calendar year. Mr. White mentioned that they had to dip into reserves to cover this program. Another goal is to have 92% of their allocated vouchers under use; currently 87% of allocated vouchers are under use. Mr. White stated that another goal is to maximize use of project-based vouchers, as up to 20% of allocations can be reserved for this purpose. He noted that these vouchers go with units, not with individuals, and they have been maximized. Mr. White said that if one of the projects do not use the vouchers, they will become available again.

Ms. Mallek asked if procedures have been changed to get closer to 98% use of the vouchers. Mr. White said the 98% is their budget. The other is getting more vouchers issued out of the dollars they have which is the number that is falling behind.

Mr. Rooker commented that as rental rates increase, the ability to get use of all the vouchers declines.

Mr. White pointed out that in the past the payment standard has been 110% of the fair market rent – the maximum allowable range from HUD is 90-110%. He emphasized that his office is having trouble finding units in the two or three-bedroom size without going to the 110%, and this year they intentionally left them at the same payment standard as last year.

Ms. Mallek asked if any rural properties are becoming available. Mr. White said that there are a few properties out in the rural areas – scattered site single-family homes – but transportation is certainly an issue. They leave it up to the individuals who have vouchers to find their units. He added that his office guides them to landlords who have asked to be on a list of those with units available, but there are very few “mom and pop” landlords.

Mr. Rooker asked what the waiting list is now for vouchers. Mr. White responded that the preference list for Albemarle County is around 180, and it hasn’t been opened for over two years; the total waiting list – project-based and non-preference – is closer to 700.

Mr. Boyd asked about the status of the Treesdale project. Mr. White replied that over the past few weeks, his office has been doing some letters of commitment and letters of clarification of County funding. The owners are working to pull all of their financing together. He wouldn’t be surprised to see ground being moved in the next couple months.

Mr. Boyd said that he has heard that the owners are trying to purchase additional parcels in order to expand the project. Mr. White explained that there was some discussion early in the planning with an adjacent parcel, but he is not sure what the status is now. Mr. Thomas commented that his understanding is that the purchase of the additional parcel is not going to happen, adding that he has been meeting with the Village Square neighborhood to keep them up-to-date.

Mr. Rooker asked if the design has stayed the same. Mr. White responded that the final design ended up being four buildings with 22 units each, which is different from the original plan during rezoning of three buildings with 30 units each.

At this time, the Chair opened the public hearing. No one came forward to speak, the public hearing was closed and the matter was placed before the Board.

Motion was then offered by Mr. Rooker to approve the attached PHA 5-year and Annual Plan, and that the County Executive be authorized to execute the required PHA Certifications of Compliance and Civil Rights Certifications (Attachments B and C-on file in Clerk’s office). Mr. Thomas **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Rooker, Mr. Snow, Mr. Thomas, Mr. Boyd, Mr. Dorrier and Ms. Mallek.
NAYS: None.

PHA 5-Year and Annual Plan		U.S. Department of Housing and Urban Development Office of Public and Indian Housing		OMB No. 2577-0226 Expires 4/30/2011	
1.0	PHA Information PHA Name: _____ County of Albemarle _____ PHA Code: __VA036_____ PHA Type: <input type="checkbox"/> Small <input type="checkbox"/> High Performing <input type="checkbox"/> Standard <input checked="" type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): __07/2010_____ 				
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: _____ Number of HCV units: __429_____ 				
3.0	Submission Type X 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only 				
4.0	PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.) 				
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program PH HCV
	PHA 1:				
	PHA 2:				
	PHA 3:				
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update. 				
5.1	Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: To promote opportunities for all county citizens to secure and maintain safe, decent, accessible, and affordable housing with emphasis given to those least able to obtain it.				
5.2	Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. Maintaining 98% utilization of budgeting funding serving approximately 92% of allocated vouchers. Maximize use of project-based vouchers to promote projects providing new affordable units including those for the elderly and the homeless.				
6.0	PHA Plan Update (a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission: NONE (b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions. Albemarle County Office of Housing 1600 5 th Street Charlottesville, VA 22902				
7.0	Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. Include statements related to these programs as applicable.				
8.0	Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.				
8.1	Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> , form HUD-50075.1, for each current and open CFP grant and CFFP financing.				
8.2	Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i> , form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.				
8.3	Capital Fund Financing Program (CFFP). <input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.				
9.0	Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. Affordability of rental units remains fairly stable with minimal vacancy in units considered affordable to low- to moderate-income households. The high occupancy rate does continue to put some pressure on rents. A concern going forward, however, is the extent that property owners will face a significant increase in utilities. Quality, accessibility, size, and location have had and will likely to continue to have little impact in meeting the needs of out clients. Going forward, increasing the supply of affordable units will be a key in maintaining affordable rents and meeting the needs of both voucher holders and the general public. The County's waiting list currently contains over 900 applicants, with over half of these applying for project-based units in three developments. Of the 400-plus on the Housing Choice Voucher waiting list, approximately 185 meet the County's preference. Although our waiting list is not broken down by categories of age and disability, two of our project-based sites are restricted to elderly and disabled. Those list have a combined number of applications of approximately 90.				
9.1	Strategy for Addressing Housing Needs. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan. Albemarle County continues to support private development activities that produce and preserve affordable rental units by providing local contributions and project-based vouchers. The County has continued to provide local support for developments seeking low income housing tax credits and has applied for and received numerous Community Development Block Grants to support rehabilitation and new construction of both rental and owner-occupied housing. These strategies will continue as a part of the County's adopted Affordable Housing Policy.				

10.0	Additional Information. Describe the following, as well as any additional information HUD has requested. (a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan. Since 2005, Albemarle County has committed 61 project-based vouchers to support developments seeking low income housing tax credits. Twenty-two of those vouchers are under lease in an elderly-only development with 8 others committed to a development under construction and rehabilitation also restricted to the elderly. Twenty-two are committed to a development scheduled to begin construction this spring which will provide 2-br and 3-br units for families. Nine are committed to subsidize rents for single, homeless persons in a proposed single room occupancy development to be built in the City of Charlottesville. The County of Albemarle has continued to meet criteria to be deemed a "high performing PHA". (b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"
11.0	Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. Note: Faxed copies of these documents will not be accepted by the Field Office. (a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights) (b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only) (c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only) (d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only) (e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only) (f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. (g) Challenged Elements (h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only) (i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)

Agenda Item No. 10. Set Calendar Year 2010 Tax Levy.

Mr. Tucker said that on March 31st the Board held a public hearing on the proposed FY11 budget and proposed calendar year 2010 tax rates. He stated that the proposed rates are set at \$0.742/\$100 assessed valuation for real estate, public service, and mobile homes, and at \$4.28/\$100 assessed valuation for personal property, including machinery and tools. Mr. Tucker said that staff recommends adoption of the resolution to set the proposed calendar year 2010 tax rates.

Mr. Thomas asked if the tax rates for personal property was at \$4.28 per \$100 last year. Mr. Tucker responded that the rate has been at that level for about 10 years now.

Mr. Dorrier asked what the status is on the gaps in School funding, which have been discussed as \$800,000.

Mr. Rooker suggested discussing it as the next item, where it is listed on the agenda. The Board is locked in at the tax rate that it advertised, as far as the high side; although they are not locked in on the down side.

Mr. Boyd **moved** to adopt the resolution to set the calendar year 2010 tax rate as presented. Mr. Snow **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Snow, Mr. Thomas, Mr. Boyd and Mr. Dorrier.
NAYS: Mr. Rooker and Ms. Mallek.

**RESOLUTION TO SET
CALENDAR YEAR 2010 TAX RATES**

BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, does hereby set the County Levy for Calendar Year 2010 for general County purposes at Seventy-Four and Two-Tenths Cents (\$0.742) on every One Hundred Dollars of assessed value of real estate; at Seventy-Four and Two-Tenths Cents (\$0.742) on every One Hundred Dollars of assessed value of manufactured homes; at Seventy-Four and Two-Tenths Cents (\$0.742) on every One Hundred Dollars of assessed value of public service assessments; at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of personal property; and at Four Dollars and Twenty-Eight Cents (\$4.28) on every One Hundred Dollars of assessed value of machinery and tools; and

FURTHER orders that the Director of Finance of Albemarle County assess and collect the taxes on all taxable real estate and all taxable personal property.

Agenda Item No. 11. Adoption of FY 2010/2011 Operating and Capital Budgets.

Mr. Tucker summarized the following executive summary that was forwarded to Board members:

On February 25th, he presented his Recommended FY 10/11 Operating and Capital Budgets to the Board of Supervisors. On March 3rd, the Board held a public hearing on the Recommended Budget and then held four public work sessions. On March 17th, the Board authorized the advertising of a \$0.742/\$100 real estate tax rate for the 2010 Tax Year. On March 31st, a public hearing was held on the Board of Supervisors' Proposed FY 10/11 Operating and Capital Budgets and on the Calendar Year 2010 Tax Rate.

The FY 10/11 Operating and Capital budgets total \$292,417,560. This amount reflects the County Executive's Recommended Budget plus changes made during the Board's work sessions and a final adjustment to State revenue estimates based on information provided by the State over the past one to two weeks. Further information regarding this estimate of state revenues is explained in the final bullet below. The complete changes are summarized below:

- Reinstated funding for Virginia Municipal League (VML) membership (\$11,000)
- Reinstated funding for several agencies
 - Thomas Jefferson Planning District Commission (\$5,415)
 - Cooperative Extension (\$5,244)
 - Offender Aid and Restoration (\$8,031)
 - Jefferson Area Board of Aging (\$14,024)
 - Jefferson Madison Regional Library (\$158,657)
- Reinstated \$10,000 for the Emergency Housing Repair program
- Reinstated funding in the amount of \$188,795 for the Family Support program
- Reinstated \$36,337 to keep the Scottsville Community Center open
- Recognizes additional State funding for the local government and school system. Beyond additional State revenues for the school system reviewed during the most recent budget hearing, final General Fund revenue adjustments include \$248,837 in additional State funding identified since the Board's March 17, 2010 work session. While the County has still experienced significant loss in State funding, some of the projected losses for constitutional officers, law enforcement and recordation are not as great as originally projected based on information received over the past one to two weeks. Staff recommends that this additional funding be included in the Revenue Shortfall Contingency, resulting in a total contingency of \$1,048,837 rather than the \$800,000 previously included. This recommendation is reflected in the attached resolution.

The attached resolution formally approves the FY 10/11 Budget. Attachment A to the Resolution details the adjustments made to the County Executive's Recommended Budget.

Mr. Tucker said staff recommends adoption of the attached FY 2010/2011 Budget Resolution approving the FY 10/11 Operating and Capital Budgets as recommended by the County Executive and amended by the Board of Supervisors.

Mr. Dorrier asked the status of the gaps in funding in the School Board's budget. Mr. Tucker said funding for those is not included in this budget unless the Board chooses to use any of these identified funds. In addition, the Board has received a letter from the School Board regarding use of funds from the lockbox funds. Local government did utilize its funds from the lock box to cover a shortfall. Approximately \$800,000 is still remaining in the lockbox. It is his understanding that the School Board is requesting approximately \$300,000 of those funds to be used for the incentive retirement plan put in place for next year.

Mr. Dorrier suggested that one-half of the contingency funding go to the School Board to fill the gaps in their budget.

Mr. Boyd said that he does not want to address those issues until he gets more current numbers from the School Board; the Schools have been on spring break. He does not have current information on their budget information from the State.

Mr. Snow commented that his understanding is that the schools have \$3.4 million in one-time funding that they didn't want to use for this purpose.

Mr. Dorrier stated that he thinks it is important to support the Schools, and using the rainy day funds seems like the appropriate course.

Mr. Boyd said he also agrees with supporting the School system, but they also have some of their own rainy day funds. He does not think any action needs to be taken today, and he would like to have more information about their budget status. Mr. Tucker agreed that it is not necessary to take action today.

Mr. Rooker noted that those funds are available for the Board to appropriate as they define, and there should be another meeting with the School Board to get all of the numbers on the table. He said that the Schools do have one-time money that could be used for a one-year period, but the question is what happens after this year when they lose \$2.5 million of additional composite index funds and whatever other cuts the State may implement next year. As long as some funds are held in reserve, they have some cushion available. His main concern was with the tax rate. There needs to be a joint meeting when all the information is available.

Mr. Tucker confirmed that all of the State funding is still subject to gubernatorial edits.

Ms. Mallek said that mid-year during the last two years, the State has sent word to localities that they are being cut, and the contingency fund is not enough to protect against those possible cuts.

Mr. Tucker agreed, adding that the County was faced with "a major shortfall" in the current year – so they tried to bump up a little contingency for the Board.

Mr. Snow asked if the lockbox fund is a separate issue, adding that he has no problem releasing that to the Schools as soon as they need it.

Mr. Tucker confirmed that it is a separate fund that the Board put in place last year.

Mr. Boyd reiterated that he would like to have a joint meeting with the School Board to discuss all these issues. Mr. Rooker and Ms. Mallek agreed.

Mr. Rooker commented that he would vote for the operating and capital budgets, even though he supported an additional two cents on the tax rate for capital. He thinks it is imprudent to adopt a tax rate that does not enable the Board to put money into capital over the next five years for any new capital projects and to borrow money for maintenance or debt service in years four and five. The extra couple of extra cents would have put the Board in a better position to deal with what we know is coming with respect to the Education budget in a much more easy way, as next year could possibly be even worse than this one. He does support the allocation of funds presently in the operating and capital budgets. He thinks the County Executive's office and the others that worked on this budget did an excellent job of utilizing available resources.

Mr. Snow added that the School Board also did an excellent job.

Mr. Dorrier said that the Board did a good job in supporting those who live on fixed incomes and Social Security. He is fully in favor of the budget. He stated that he has received many letters in this regard.

Mr. Thomas agreed, adding that he is happy that the rates stayed low. He has also received numerous positive correspondences regarding the leveling of the tax rate.

Mr. Boyd then **moved** to adopt the FY 2010/2011 Budget Resolution approving the FY 2010/2011 Operating and Capital Budgets.

Ms. Mallek **seconded** the motion. Ms. Mallek said she has mixed emotions on the budget the Board is adopting today, due mainly to the tax rate as opposed to the budget. She commented that the Board has done the best that they can. The budget discussion process this year has showed the rest of the country that people who disagree on matters of perspective and principle can discuss issues with courtesy and work together to find common ground and solutions. Ms. Mallek emphasized that White Hall District residents have demonstrated how wide the diversity of opinion is, noting that her three town hall meetings in March were well-attended with almost 200 people. She said that one voice supported an equalized tax rate to support more basic services and prevent further cuts, and one in favor of the current tax rate and further cuts. The last was split in their views. Many folks have suggestions of improvements to be made. Many folks have been making those suggestions for years and with the economy feel that they are now being heard more clearly. Ms. Mallek stated that she has asked everyone who contacted her regarding taxes whether they could live with the same tax bill as the current year and the huge majority said that they could. She added that the majority of people who contacted her by email and at meetings were in favor of greater expenditures to fund the programs they prioritize, and because of that she would have been representing her district better by voting for an equalized rate. Ms. Mallek added that she does understand the hardship people feel and the uncertainty for next year. There is no guarantee that things will go up, that the economy will turn up next year.

Ms. Mallek also stated that the Board has not had the debate on core services in a theoretical way, and instead backed into the issues several times as we struggled with different cuts to restore to the budget. She emphasized that in the future the Board needs to provide better guidance to staff, not just a cap on funds. We cannot fund our needs if we don't first list what our needs are. We have broken our own budget policies by putting off building until another, more expensive time – and by directing our School Board to use one-time monies for operating expenses and program maintenance. She added that there is also little contingency and no new capital investment. Citizens have clearly said they are happy to pay for “direct contact employees” – such as teachers, firefighters, police officers, social service workers – but are less passionate about those in supervisory roles. In an effort to remedy that disconnect, Ms. Mallek suggested that this Board borrow an idea from Nelson County's Supervisors – where Board members meet two by two with School Board members monthly throughout the year in order to gain better understanding of each other's problems. She added that many citizens are concerned about the “annual angst” that goes on, and improvements are needed to bring the community together. Ms. Mallek also challenged School Board members to become more actively engaged with citizens – by fact-checking, rumor control, and making the case to the community in the same way the Board does. Neighborhood associations would welcome their School Board representatives to their meetings just as they welcome Board members. The broader understanding they can achieve will benefit everyone during the challenges of budgets and planning for future operations. Ms. Mallek said we must lose this “us and them” attitude, which has divided us, and the mistrust that our citizens feel – and our citizens demand that we work on this. She added that she is very appreciative of the work staff and both Boards have done.

Mr. Rooker said that in terms of emails and letters received from the public, his ran about ten to one to maintain at least the equalized rate; there was also a petition signed by more than 1,000 people urging the Board to increase the rate to that level, and the public hearing comments ran about five to one.

With no further discussion, roll was called and the motion carried by the following recorded vote:

AYES: Mr. Rooker, Mr. Snow, Mr. Thomas, Mr. Boyd, Mr. Dorrier and Ms. Mallek.
NAYS: None.

**FY 2010/2011
 BUDGET RESOLUTION**

BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia:

1) That the budget for the County for the Fiscal Year beginning July 1, 2010 is made up of the County Executive's Recommended Budget document and the amendments made by the Board of Supervisors as detailed in Attachment A.

2) That the budget for the County for the Fiscal Year beginning July 1, 2010 is summarized as follows:

	FY 10/11 Adopted
Administration	\$9,920,979
Judicial	3,859,835
Public Safety	28,917,299
General Services	4,498,959
Human Development (including PVCC)	15,964,585
Parks, Recreation, and Culture	6,059,192
Community Development	6,217,415
City/County Revenue Sharing	18,454,658
Revenue Shortfall Contingency	1,048,837
Refunds/Other	860,295
General Government Special Revenue Funds	12,511,387
General Government Capital Projects	2,891,385
Stormwater Improvements	261,250
General Government Debt Service	3,464,460
Education - Capital Projects	4,967,930
Education - Debt Service	13,229,712
Education - School Operations	138,308,070
Education - Self-Sustaining Funds	20,770,940
Board Reserves	210,372
TOTAL	\$292,417,560

3) That the budget for the County for the Fiscal Year beginning July 1, 2010 as described in 1) and 2) above is approved.

CAPITAL IMPROVEMENTS BUDGET	FY 10/11 Recommended Budget	FY 10/11 Adopted Budget
General Government Projects	3,587,426	
Subtotal, General Government Projects		3,587,426
Storm Water Projects	261,250	
Subtotal, Storm Water Projects		261,250
School Division Projects	5,111,930	
Subtotal, School Division Projects		5,111,930
Debt Service	16,694,172	
Subtotal, Debt Service		16,694,172
FY 10/11 CAPITAL IMPROVEMENTS BUDGET	25,654,778	25,654,778
SPECIAL REVENUE FUND OPERATIONS	FY 10/11 Recommended Budget	FY 10/11 Adopted Budget
Special Revenue Funds	14,109,326	
Subtotal, Other Special Revenue Funds		14,109,326
FY 10/11 SPECIAL REVENUE FUND OPERATIONS	14,109,326	14,109,326
SUMMARY OF ALL FUNDS	FY 10/11 Recommended Budget	FY 10/11 Adopted Budget
General Fund	212,476,341	213,266,298
School Fund/School Self-Sustaining	166,067,871	164,034,573
Capital and Debt Service Funds	25,654,778	25,654,778
Special Revenue Funds	14,109,326	14,109,326
SUBTOTAL - ALL FUNDS	418,308,316	417,064,975
LESS INTERFUND TRANSFERS	(124,457,415)	(124,647,415)
TOTAL COUNTY BUDGET - ALL FUNDS	293,850,901	292,417,560

Agenda Item No. 12. Presentation: Forestry Presentation, Nelson Shaw.

Mr. Nelson Shaw said that he is the County Forester for Albemarle through the Virginia Department of Forestry. Mr. Shaw reported that fire protection has been done since 1914, and last year there were 15 fires totaling 85 acres; and this spring there were only four fires totaling 4.4 acres – with the largest fire last year occurring on March 3rd in the Lone Oak area, totaling 78 acres. He explained that the Department tries to determine the cause of a fire, enforces the 4:00 p.m. burning law, and also conducts fire prevention outreach – through a parade, and the Smokey the Bear school programs. Mr. Shaw said that they have been doing harvesting protection for 15 to 20 years, and Albemarle ranks 11th in the State for forestry activity. He stated that there have been 95 timber harvests totaling 3,700 acres since January 2009.

Mr. Dorrier asked if there is reforestation required when timber is cut. Mr. Shaw responded that there is not a mandatory requirement to do so, but it is often done. He added that some are naturally reforested, and some lands are select harvested.

Mr. Shaw stated that technicians are required to check each area, and if they notice a water quality problem it is not an automatic citation – but recommendations are made for reparation; there have been 11 such recommendations in the last year. He noted that there was one formal complaint and three failures to notify – as required by Virginia law, a landowner must notify the Department within three working days for implementation of a harvesting operation.

Mr. Rooker asked what size cut falls into that requirement. Mr. Shaw replied that if the harvesting is for commercial use, there must be notification. He also stated that clearing land for pastureland does not require notification, but if the timber is used for lumber there is that requirement.

Mr. Shaw said that the Department conducts Arbor Day activities, and conducted 21 workshops for children last year. Mr. Shaw stated that they did 15 riparian buffer projects last year for a total of 50 acres and 30,000 linear feet. He reported that they work with volunteers, and the Rivanna Conservation Day encompassed 14 acres last spring; this fall they did a six-acre planting at the Charlottesville Airport.

Mr. Shaw said that there were 11 formal plans for stewardship enacted last year, and when a landowner performs those they become certified as forest landowners – with two participating last year. He explained that there were seven reforestation efforts last spring, totaling 440 acres; this spring there are 11 tracts for 631 acres. Mr. Shaw stated that there were 19 informal plans for 453 acres, and 15 incentive/cost-sharing plans totaling 898 acres. He explained that vegetation control – both by hand and aerial application – included five tracts totaling 355 acres. Mr. Shaw also said that thinning has been on the increase, with 24 tracts done last year for 906 acres. He added that the Department has been working to control ailanthus, with 85 acres controlled last year. Mr. Shaw said that the department has been embarking on a new program on the South Fork Rivanna River, which would connect residential parcels to rural landowners – with field and riparian planting and conservation easements. He added that the City of Charlottesville had its third year as Tree City U.S.A. last year, and the County could also participate in this.

Ms. Mallek mentioned that there was a big cut that started in Piney Mountain, where the access to the forestry land was right through Earlysville Forest – and it's helpful when constituents ask what's going on to have DOF experts reassure people. She added that Nelson County has also been involved with a five-agency summer camp for kids that helps them learn about natural resource management, and they ran a tree-release seminar with middle schoolers last summer at her farm – where kids learned which trees to remove and which to keep.

Mr. Thomas asked if the DOF has been monitoring Carters Mountain, where trees are disappearing on the south end of the mountain near the fire tower. Mr. Shaw responded that he did not know if monitoring was done on that site.

Mr. Shaw then presented Board members with red bud plants, and DOF calendars.

Agenda Item No. 13. Presentation: Blue Ridge Committee Annual Report, Phillip James.

Mr. Phil James, Chair of the Blue Ridge Committee, said that he also represents the Committee for Shenandoah National Park relations. He reported that the Committee members are Wayne Cilimberg, Director of Planning – appointed to the Board in 1992 and represented by Principal Planner, Joan McDowell. Mr. James said that Joe Jones was appointed to the Committee in 2001, and is the Past President of the Albemarle County Farm Bureau – and also has land adjoining Shenandoah National Park. Mr. James stated that he was appointed in 2005, and is a local historian and writer with a special interest in the cultural history of the people who once lived on County lands that now lie inside the Park borders. He said that today over 14,000 acres of County land lie within the park, reduced from the 25,000 acres originally surveyed in the 1920s for inclusion.

Mr. James stated that the Committee established a website this past year that includes a statement reflecting the group's mission: "The Blue Ridge Committee for Shenandoah National Park relations, established in 1992, exists to provide a two-way conduit for information between Park management and the counties which surround the Park. The Blue Ridge Committee is comprised of representatives of the eight Virginia counties which border Shenandoah National Park – Albemarle, Augusta, Greene, Madison, Page, Rappahannock, Rockingham, and Warren; also, elected state and federal legislators and park management. Park management decisions today impact surrounding counties, much as the original land acquisitions did in the 1930s. These include wildlife management

practices, law enforcement, cross-promotion of tourism, and potential expansion. Likewise, decisions on the County level can have significant impact on the Park, especially land use issues. By establishing this Committee, the counties can consider issues related to the Park in a comprehensive and informed manner, and when consensus is reached communicate with one voice to Park management. Park management can have an ongoing and regular dialog with its neighbors; legislators can avail themselves of this opportunity to keep current on the issues, which impact a large number of constituents and a vast land area.”

Mr. James reported that the Blue Ridge Committee was formed at a time when a number of tempers were flaring in some of the counties bordering the Park. It was believed at that time that if some form of serious dialog didn't take place that bodily harm may be coming to Park personnel. It was a very tense time. It had become a time where the mentality was us versus them. He explained that it was in place because of a lack of communication and an underlying spirit of distrust of the state and federal government that stretched back to the 1920s and eventually condemned by the state and gifted to the federal government. The Blue Ridge Committee provided a valuable forum that for a number of years brought together Park personnel and individuals who had issues with the Park. He added that it is still an opportunity, but in his time there have been very few coming forward with complaints. Mr. James said that the current focus has been cross-promotion of the Park's amenities and special events happening in neighboring counties. He stated that 2011 will mark the 70th anniversary of the Park's establishment, and the Committee is working with the Shenandoah National Park Association and Shenandoah National Park Trust to help promote the year-long observance within each of the counties that form the Park's "backyard”.

Ms. Mallek thanked him for his presentation, adding that White Hall is very fortunate to have so many park properties that are contiguous with the Park – and people are looking forward to being able to ride their horses through Byrom Park up into the Shenandoah. She also said that she was surprised to learn during her 2007 campaign how many people felt “that the condemnation of the 1930s had happened yesterday.” Ms. Mallek stated that the families were burned out by the County Sheriffs because the state and federal governments wouldn't do it. She emphasized that this has colored their feelings of distrust with the government in general, and Mr. Snow's family was one of those families evicted from their land.

Ms. McDowell noted that her father was one of the first Civilian Conservation Corps camp members, and they opened that camp in White Hall near Joe Jones' current home.

Noting that the Board was ahead of schedule, the Board decided to go into Closed Meeting to discuss appointments at this time.

At 10:31 a.m., **motion** was offered by Mr. Thomas that the Board go into Closed Meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Rooker, Mr. Snow, Mr. Thomas, Mr. Boyd, Mr. Dorrier and Ms. Mallek.
NAYS: None.

At 11:01 a.m., the Board reconvened into open meeting. Mr. Thomas **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed meeting. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Rooker, Mr. Snow, Mr. Thomas, Mr. Boyd, Mr. Dorrier and Ms. Mallek.
NAYS: None.

Agenda Item No. 17a. Boards and Commissions: Vacancies/Appointments.

Motion was then offered by Mr. Snow to make the following appointments/reappointments:

- **appoint** David Shreve to the CHART Committee with said term to expire April 3, 2013.
- **appoint** Mary Gallo, Lucy Goeke, Charles Mitchell, Branda Plantz, and Meg West to the Crozet Community Advisory Council with said terms to expire March 31, 2012.
- **appoint** John Lowry as the Samuel Miller District Representative to the Equalization Board with said term to expire December 31, 2010.
- **appoint** Louis J. Lopez III to the Housing Committee to fill an unexpired term to expire December 31, 2012.
- **appoint** Amber Capron to the Jefferson Area Disability Services Board to fill an unexpired term to expire on June 30, 2010.
- **appoint** Lloyd Wood to the Police Department Citizens Advisory Committee with said term to expire March 5, 2012.
- **appoint** Liz Palmer to the Rivanna River Basin Commission to fill an unexpired term to end on April 30, 2013.

- **reappoint** Nancy Virginia Bain, Mike Marshall, Jessica Mauzy, Jon Mikalson, William Schrader, Kelly Strickland, and Tim Tolson to the Crozet Community Advisory Council with said terms to expire March 31, 2012.
- **reappoint** Clarence Roberts to the Police Department Citizens Advisory Committee with said term to expire March 5, 2012.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Rooker, Mr. Snow, Mr. Thomas, Mr. Boyd, Mr. Dorrier and Ms. Mallek.

NAYS: None.

Agenda Item No. 14a. Transportation Matters: VDOT Organizational Changes, Jim Utterback, District Administrator.

Mr. Jim Utterback thanked the Board for allowing him time on the agenda to talk about the changes coming up at VDOT. He said that last year most counties didn't really understand the impact of the cutbacks – but certainly do now. He said that two months ago, most County roads were covered in heavy snow, adding that this was a historic year for the nine counties in Central Virginia that his district encompasses. Mr. Utterback noted that the measured amount of snow was 78 inches for Albemarle, as the County received the brunt of the storms. He stated that most of the VDOT staff during that time period worked in some form of emergency operations – 12-hour shifts – for all but five days, including six of the eight weekends as well as Christmas, New Year's and Super Bowl weekend. He was very proud of the operators and overall performance of VDOT through those storms. Mr. Utterback added that overall statewide expenditures for snow total was over \$240 million – against an \$80 million budget – and within this district about \$4.5 million is budgeted for snow annually, but over \$15 million was spent. They have a challenge in the next couple of months in focusing on repairing potholes and improving roads that were impacted by the storms, along with grass cutting, etc. VDOT is trying to balance resources and deliver essential services and looking at projects it can delay in order to meet budget.

Mr. Utterback reported that all VDOT residencies have changed, and with the four in this district two have been closed – Culpeper and Louisa. He said that a few months ago, the shops that supported those two residencies were closed. Mr. Utterback stated that many of the programs VDOT manage throughout the district have been divided into the four counties to the south, and the four counties to the north – with Albemarle now fitting in with Greene, Louisa, and Fluvanna. He said that the Charlottesville residency stays in place, but the focus changes to almost exclusively maintenance. Mr. Utterback stated that the Six Year Secondary Plan and all special projects will now be handled through the district office, and there is now a position to manage that. All nine counties will be handled the same way for planning and investment functions through the district office. He said that land development and permitting has been a big concern, and those would remain district functions but would now be located at Zions Crossroads to provide a more central location. Mr. Utterback stated that there will be 16 area headquarters maintained throughout the district, and they will remain intact. He said that overall operators have been increased in the district by 10 people – for a total of 218 – and they are responsible for the maintenance projects.

Mr. Utterback stated that 180 office staff positions have been eliminated and a lot of those functions are being performed out of the residency or district office, adding that now VDOT will have a statewide 1-800 call center that generates work orders to specific residencies or headquarters. He added that the residency will still have a local number, but the headquarters will not.

Mr. Rooker asked if the headquarters here answer to Mr. Sumpter. Mr. Utterback responded “yes”. The three in Louisa will report to Mr. Sumpter also.

Mr. Utterback stated that VDOT made a conscious effort to have each of the new operators spread out among the local depots. He also said that a year ago, 450 temporary employees statewide received layoff notices – six in the Culpeper District. Mr. Utterback said that the second wave of cuts came last summer/fall, due to reductions in the Six Year Plan revenue streams; 640 notices were delivered statewide – 45 of those in Culpeper, with 25 of them requesting placement and all finding employment. He stated that the first week of January, 635 termination notices were delivered statewide – 49 of those were in Culpeper, with 25 of them requesting placement; the process of finding them jobs is happening now and is going well so far. Mr. Utterback noted that in this District, five years ago, there were 705 positions and now there are 442 positions; there were 630 people five years ago and now there are 374; when the other positions are placed the level will be about 400 staff. The agency is doing much, much more with less people as they go forward.

He reported that much of the layoffs and facilities changes take place at the end of April, and the new structure will begin at that time. Mr. Utterback said that he hasn't committed to come to every Board meeting to talk, but he has committed to two County liaison positions that will serve as single points for any issues that arise – and they will likely be the ones to address the Board. He stated that the Preliminary Engineering Manager is the backup for those people, with him (Mr. Utterback) being the point after that.

Mr. Snow commented that Mr. Sumpter has been very responsive in getting back to the Board on specific matters, and asked if the liaisons would serve in that capacity. Mr. Utterback said that is the intent.

Mr. Rooker asked if Mr. Joel DeNunzio would be in this office. Mr. Utterback said Mr. DeNunzio would be moving to Zions Crossroads – with his counterpart also being placed there. He said that the permitting staff statewide took about a 50% cut, driven primarily by the lull in land development.

Mr. Rooker asked who would be at the Zions Crossroads office. Mr. Utterback stated that Mr. Mark Wood is in charge of that office, but they would probably operate fairly autonomously. Mr. Brent Sprinkle would remain the head of the Culpeper office. He explained that one of the liaisons, for the south part of the district, would also be responsible for all planning and programming; the other liaison would be responsible for all land development and permitting issues.

Mr. Rooker asked for an organizational chart of who answers to whom, along with their names and contact information. Mr. Utterback said they are working on preparing that.

Ms. Mallek asked if the Board would continue to receive the monthly reports. Mr. Utterback responded that he would try to continue sending them to the County, but was not sure of the status of the reports.

Ms. Mallek suggested that Supervisors contact VDOT people by phone or email with concerns so that they have time to address them.

Agenda Item No. 14b. Transportation Matters: VDOT Monthly Report, Allan Sumpter.

Mr. Sumpter said that his phone and email will always be available to Board members for requests on gravel roads, potholes, clogged drainage areas, and other maintenance concerns. He will continue to try to do a quick turnaround when Board members make a request to him.

Mr. Sumpter summarized the monthly report. He said that there have been “lingering effects” from winter – including gravel roads, soft spots, rutting, downed trees – and VDOT staff will continue to work on those. Mr. Sumpter said that it would probably take until late spring/early summer to complete tree removal, and the condition of the gravel roads seems to be improving with warmer, drier weather. They are working on safety problems as quickly as possible. He stated that VDOT has continued to add stone to roads and potholes continue to be repaired – with 900 potholes being fixed in this residency alone.

Mr. Sumpter said that the Hatton Ferry executed agreement has been signed by the Commissioner, and he is working with Steven Meeks to transfer incidental items such as vests, paddles, etc. There also needs to be a land use permit issued so that landings can be used on both sides – and that is expected to be issued within the week.

Mr. Sumpter reported that VDOT continues to work on preliminary engineering relative to right-of-way acquisitions for Georgetown Road and Jarman’s Gap. Several of the traffic matters are continuing to be ongoing. They are also pursuing modifications for Hanson Mountain, with traffic engineering looking at accident data for that area.

Agenda Item No. 14c. Transportation Matters not Listed on the Agenda.

Ms. Mallek asked for an update on the timetable for the Buck Mountain Road speed study. Mr. Sumpter replied that VDOT has been collecting data, and it would probably take another six weeks or so to reach a conclusion.

Mr. Rooker asked for a timeline on right-of-way acquisition for Georgetown Road. Mr. Sumpter stated that he would contact the staff working on that to provide an update.

Mr. Boyd said that the old Dorrier property on Pantops, now the Didier property, has a sign that says “Private Driveway,” but there is no curb cut and people keep running up on the sidewalk there. Mr. Sumpter responded that there are modifications to be made there, and he will check with permit staff to ensure that it is being addressed.

Mr. Boyd commented that those driveways are only about 10 feet apart. Mr. Sumpter said that there were supposed to be modifications that have not yet been made.

Mr. Boyd noted that there are some significant potholes on Polo Grounds Road, and a huge rumble near the west side of the railroad bridge. Mr. Sumpter said that he would look into it.

Mr. Dorrier asked about the status of the Hatton Ferry transfer. Mr. Sumpter reiterated that all the documents have been signed, and they are now in the process of getting all the vests and paddles to Steven Meeks and the Historical Society, as well as helping them get their permits. It is now just a matter of some logistics.

Mr. Dorrier asked if they are open for the spring/summer. Mr. Sumpter said Mr. Meeks would have to respond to that. From VDOT's perspective, there is no holdup to them opening up whenever they are ready to do so.

Ms. Mallek suggested VDOT representatives consider making a quarterly visit; sending different people, i.e., bridge person, planning person, etc. That would keep Board members in the loop and help them to learn what is going on.

Agenda Item No. 15. Closed Meeting.

At 11:38 a.m., **motion** was offered by Mr. Thomas, that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) to evaluate the performance of a County Department which requires the discussion of the performance of a specific individual; under Subsection (7) to consult with legal counsel and staff regarding matters requiring legal advice regarding the negotiation of an interjurisdictional agreement; and under subsection (7) to consult with legal counsel and staff regarding probable litigation arising from an alleged breach of contract.

Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Rooker, Mr. Snow, Mr. Thomas, Mr. Boyd, Mr. Dorrier and Ms. Mallek.
NAYS: None.

Agenda Item No. 16. Certify Closed Meeting.

At 1:35 p.m., the Board reconvened into open session. **Motion** was offered by Mr. Thomas to certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting. Ms. Mallek **seconded** the motion.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Rooker, Mr. Snow, Mr. Thomas, Mr. Boyd, Mr. Dorrier and Ms. Mallek.
NAYS: None.

Agenda Item No. 18. From the Board: Matters Not Listed on the Agenda.

Mr. Snow said that in a previous Board meeting, they had discussed the County's commitment to the Jefferson Madison Regional Library and someone had suggested reviewing the agreement for participating in the regional system. He wanted to make sure that the consideration was moving forward.

Mr. Boyd responded that the Board had decided to discuss it during their Strategic Planning session, which is coming up in the next few months.

Mr. Rooker commented that the Library Board has indicated they would be willing to renegotiate the agreement as necessary, which means there would need to be negotiating sessions with representatives from the Board and other boards involved.

Mr. Dorrier said he thinks that this Board should meet with the Library Board.

Mr. Rooker emphasized that any such meeting would also need to include representatives from the City of Charlottesville and all other localities.

Ms. Mallek stated that her preference would be to find out first what the dollar difference would be, and whether there would be a "meaningful savings."

Mr. Dorrier agreed that that would be the best course.

Mr. Davis commented that he isn't sure Mr. Tucker has that discussion programmed for any specific timetable at this point.

Mr. Tucker said that he has not set aside a specific time for it, as it would be talked about in the Board's June strategic planning session.

Ms. Mallek noted that the Library Board has indicated they have already started looking at this.

Mr. Dorrier suggested that Board members go to each Library in their jurisdiction, and get a feel for how they operate, and then meet with the Library Board.

Mr. Snow said that he would like to examine the cost of going it alone – with Albemarle funding the libraries in the County only.

Mr. Rooker mentioned that the library system would lose \$600,000 a year, as the Board was told during recent budget discussions that only regional library systems qualify for that pool of funds. He agrees that the Board needs to understand the entire financial picture of the options.

Mr. Snow responded that it might be costing the County \$1 million to get that \$600,000.

Mr. Snow said that he would like the Board to begin looking at the budget for next year, having recently completed "March Madness". Mr. Snow added that he would like to see the County begin working on a needs-based budget. The rate is set and they seem to be working to that budget.

Ms. Mallek said that the budget process began in October, arising from the Board's strategic plan.

Mr. Tucker commented that this would also be part of the discussion at the June retreat.

Mr. Rooker stated that building a budget from an entirely new standpoint would have significant impact on staff, and essentially staff would be budgeting on a year-round basis. He thinks the Board needs to understand the ramifications; sometimes things sound good, but that is about it.

Mr. Snow said that there have been lots of rumors around that are based on very little fact.

Mr. Rooker stated that it is imperative that the Board consider the amount of time imposed on staff when it comes to budgeting, otherwise the County will end up with a staff that does nothing but work on the budget. He emphasized that every year there has been a specific, detailed schedule for the budget, and suggested that the Board review that schedule during their strategic planning process.

Mr. Snow asked about the best way to handle the incoming emails from the public, and wondered if it would be best to send them to the County Executive's office.

Mr. Tucker responded that Board members could end up chasing their tails by trying to answer every request, and the best course may be to pass those requests onto his office.

Mr. Rooker commented that often members of the public send the same email to every Board member, without indicating they are asking every Supervisor. He said that they also often ignore the answers and send a letter to the Editor anyway.

Mr. Snow said that he is simply looking for a mechanism for a response, for example – the County's Wellness Program, which he has received comments on. Mr. Rooker suggested that he send that email to Mr. Tucker and Ms. Suyes. Mr. Snow replied that he doesn't want to just dismiss it, and would like to have some way to know "truth from fact."

Mr. Rooker explained that the Board made a decision to pursue the Wellness Program for the County, in keeping with what many other corporations are doing around the country – as it reduces insurance premiums. In the County's case, the County pays all its' claims; the County pays an administrator. If you can reduce your claims, then you ultimately reduce your own medical expense. He indicated that Mr. Boyd has wisely suggested many times the need to evaluate the success of each such program periodically, and there is often a reason behind why things are being done. Mr. Rooker cautioned that the Board needs to be careful about restudying everything at random just because an email is sent, but having Ms. Suyes come in and explain the Wellness Program would be valuable as it hasn't been done in a while.

Mr. Boyd mentioned that the example brought up about Hansen Road arose from a constituent email, and said that he forwarded the information to Mr. Sumpter, who in turn did some investigation and then responded to him and the constituent with an update.

Mr. Snow commented that perhaps the department will answer to put themselves in the best light, and it's possible that the emails might have validity.

Mr. Rooker said that it's best to ask staff specifically for information prior to responding. He stated that everyone on the Board has been attuned to periodic testing of programs to ensure that they are a worthwhile investment.

Ms. Mallek said she stands back a little from anonymous things when people rake you over the coals and do not allow you to respond to them because they won't identify themselves.

Mr. Snow commented that there is a "real fear" in County government and Schools over whistle-blowing because employees are afraid if they speak up they will lose their jobs.

Mr. Rooker responded that it is even worse in private companies.

Mr. Tucker said that he would like to know if any one of them can identify a single employee who has lost their job by raising concerns.

Ms. Mallek stated that the Board can and will keep those matters confidential, and she sees her role as connecting people with those who can specifically answer their questions.

Mr. Tucker said that if it's an operational issue raised by an employee, it needs to be sent to him. He will respond and copy the Board member. If it's a policy issue – such as ordinances or regulations – then it should be raised with the rest of the Board, with staff providing any needed background information.

Mr. Rooker noted that an issue came up this budget session regarding “instructional coaches,” and the best answer is that those decisions are made by the elected School Board. If they have to make cuts, they have to ultimately make the decisions about where those cuts are going to be made, and still deliver a quality product.

Mr. Snow commented that Mr. Elliott and his staff did a great job with the display at City Space.

Ms. Mallek asked Board members if they supported the County sending a letter to Governor McDonnell asking him to veto: redefinition of responsible prisoners, which would mean localities keep prisoners for two years instead of one; requirement of local governments to pay for benefits provided under “Line of Duty Act”, which used to be state-funded; and appropriation of a statewide communications sales and use tax that would effectively eliminate localities’ ability to levy a local communications tax.

Mr. Davis explained that originally the State was going to take some of the money to help balance the budget. Ultimately they just put it in the budget so that it's now under the control of the General Assembly. VACo sees the next step as using the money for purposes other than returning it to local governments, which was not the deal. He thinks that opposing that with the letter is a good position to take. He emphasized that it's a “slippery slope” now to eventually losing that money.

Ms. Mallek mentioned that the last item was the \$3.0 billion in SOQ requirements that are being passed to localities without any supporting funding.

Mr. Tucker indicated that he has already asked the Clerk to draft a letter addressing these items.

It was the consensus of the Board to send the letter.

Note: The following letter was drafted and sent to Governor McDonnell:

“We understand the enormity of the challenges you face this session. It is no easy task to balance competing needs with very limited resources. Local governments, too, face difficult challenges not only in the budget for the upcoming year, but for a number of years to come. Several items in the adopted budget make the jobs of elected officials almost intractable by shifting the cost for State responsibilities to local governments or by jeopardizing local revenues. This is unacceptable.

We ask that you veto the following items in HB 29 and HB 30:

1. The redefinition of State-responsible prisoners contained in Item 377 #4c. This amendment overrides the Code of Virginia and long-standing agreements between the State and localities. The amendment changes the definition of a State-responsible felon to allow the State to shift the responsibility for housing more State prisoners to local and regional jails, at the risk of greater overcrowding. At the same time, the State is scaling back on inmate per diem payments to localities as well as funding for jail staff, thereby increasing the pressure on local taxes and local taxpayers. Localities, unlike the State, cannot simply shift the costs to another level of government.

2. The requirement for local governments to pay for benefits provided under the Line of Duty Act in Item 258#1c. The General Assembly created this program as a State-funded program. Local governments were not a party to the enactment of this program. It is a violation of trust for the State to simply shift the costs onto local government when it becomes inconvenient for the State to maintain its commitment to a program it created.

3. The appropriation of the communication sales and use tax. This tax was the result of years of negotiation between industry providers and local governments in which local governments ceded the right to impose communications taxes for a unitary measure. The bottom line is that these are local taxes which are only collected by the State. These are not State General Fund revenues as expressed in Item 270.10 #1c in HB 29 and in Item 262 #1c in HB 30. These revenues should not be used in lieu of State General Fund dollars or for other General Fund purposes.

Finally, we would like to bring to your attention the growing gap between State-mandated costs imposed through the Standards of Learning and the Standards of Accreditation, and the resources provided by the Commonwealth under the Standards of Quality. A number of policy decisions were included by your predecessor and the General Assembly in the budget to eliminate items from the rebenchmarking process and to change funding formulas. These actions do not reduce the costs to educate children to pass the Standards of Learning tests. Nor do these actions reduce the costs for schools to attain accreditation. These actions do nothing more than reduce the State's financial commitment to education. Virginia's schools have made remarkable progress on meeting accountability standards contained in State regulation, but this progress would not have occurred without local governments overmatching state SOQ dollars by more than \$3.0 billion a year. Local governments no longer have the resources to continue this massive effort, much less to make up for the drastic reductions in public education funding. The result will be seen in years to come in an

increased failure rate on the Standards of Learning tests and on school accreditation standards. We hope that you will address this increasingly dire situation during your term in office, either by advocating for more resources for schools, or by encouraging the Board of Education to amend its regulations to more accurately reflect the resources available.

Thank you for your attention to these important matters. Please let us know what local governments can do to assist your administration in achieving its laudable goals.”

Agenda Item No. 23. Adjourn.

There being no further business, the meeting was adjourned at 2:45 p.m.

Chairman

Approved by Board

Date: 07/07/2010

Initials: EWJ
